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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,116	09/29/2003	Darren James Zellak	RI92403	9839

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EXAMINER
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CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/673,116

Applicant(s)

ZELLAK, DARREN JAMES

Examiner

PAUL T. CHIN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-5, 10, 12, 13, 15, 27, 29-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5, 10, 12, 13, 15, 27, 29-32 and 34-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 12, 2006, has been entered.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 3,8,12,13,15, and 27,29-32, and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Potter (2,667,094) (see PTO-892).

Potter (2,667,094) discloses a tool comprising a sleeve (18) having a first end and a second end and a gripper channel (45) (see Fig. 7) extending between the two ends; a gripper assembly having a handle (17) and tapered fingers (16,16), and the sleeve and the gripper are slidable relative to each other, the fingers further having an elongated opening, which can be considered as a cable slot, capable of engaging a cable (55).

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Note that Potter teaches a handle having a flange (36) free of the sleeve, tapered fingers (Fig. 1) slidable in the sleeve, and a sufficient distance for the fingers (16) to be drawn in the second end when the handle is slid away from the first sleeve end.

Re claims 3 and 8, Potter (2,667,094), as best understood, shows the fingers (16,16) forming a substantially rectangular connector slot (Fig. 1), and each having an engaging lug (27,27) providing for non-slip gripping. Figures 8-10 show the engaging lug (27) that engages the electrical connector by hooking the lug around the connector.

Re claims 12 and 13, Potter (2,667,094) shows tapered grippers (fig. 1) and is capable of performing the functional limitations as recited in the claims.

Re claims 15 and 32, figure 8 shows the sleeve having friction surfaces on the first end, which can be considered as a finger rest.

Re claim 27, Potter (2,667,094) shows an elongated channel (Fig. 3), which can be considered as shows a cable slot and cable channel, to permit the cable to slide and the connector is adapted to fit loosely in the fingers. Note that figure 7 shows a keyway (45), which can be considered as a slot, along the length of the sleeve (18) to accommodate the gripper assembly.

Re claim 34, Potter (2,667,094), as best understood, shows in figure 7 (cross section view of the sleeve), a substantially circular shaped opening with two keyways (45,45), displaying a substantially rectangular shape channel to allow the gripper assembly (15,16) and the cable (55) to slide within the channel. Therefore, Potter's device substantially shows the sleeve having long juts along the walls as shown in figure 7.

Re claim 35, the grippers of Potter could be gradually moved together when drawn into the sleeve. It is pointed out that Potter's device (2,667,094) contains all the structural

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elements as recited in the above claims is capable of performing the functional limitations as recited in the claims.

4. Claims 3-5,8,15,29-32, and 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Adams (6,732,426).

Adams (6,732,426) discloses a fiber optic gripping tool comprising a sleeve (102) having a first end and a second end and a gripper channel (see Fig. 5) extending between the two ends; a gripper (104) having a handle (Fig. 6) having a flange, and fingers (120,122), and the sleeve and the gripper are slidable relative to each other, the fingers further having a cable slot (Figs. 4 and 5) capable of engaging a fiber optic cable (52). Re claim 3, figure 5 shows a substantially rectangular connector slot. Note that Adams's device is capable of various cables such as rounded cables, and rectangular shape connectors.

Re claim 8, Adams's device, as best understood, shows each finger (120,122) having an engaging lug (130) (Fig. 5) providing for non-slip gripping. Figures 1-3 substantially show the engaging lug (130) that engages the electrical connector by hooking the lug around the connector and the cable.

Re claims 15 and 32, figure 4 shows the sleeve having a finger rest at the first end.

Re claim 27, Adams (6,732,426), as best understood, shows a sleeve (102) having an elongated channel, which also can be considered as a cable slot and cable channel, and a gripper (104) having a slot to permit the cable to slide and the connector is adapted to fit loosely in the fingers.

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Re claim 29 and 30, Figs. 4 and 6 show a handle having a flange, which can be considered as a stop, to prevent its movement into the sleeve (102) and the sliding movement can be accomplished with one handle.

Re claim 31, the gripper (104) can be moved in the sleeve (102) without spring action.

Note that claim 25 recites an apparatus and claim 31 recites the functional limitations and Adams's tool is capable of moving the gripper in the sleeve without the spring.

Re claim 34, Adams's device, as best understood, shows an elongated sleeve (102) (figures 4-6) having an elongated channel and a slot (114), which can be considered as a cable slot, and a gripper (104) slidable within the sleeve. Note figure 5 shows long juts on the walls of the sleeve (102).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter (2,667,094) in view of Hood, Jr. et al. (3,699,629) (see PTO-892).

Potter's device (2,667,094), as presented above, does not show that the device is made of plastic. However, Hood, Jr. et al. (3,699,629) teaches a tool being made of a plastic (Col 2, lines 59-61). Accordingly, it would have been obvious to those skilled in the art to provide the Potter's device (2,667,094) to be made of a plastic as taught by Hood, Jr. et al. (3,699,629) to provide a light and flexible device for gripping delicate cables or connectors.

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7. Claim 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (6,732,426) in view of Hood, Jr. et al. (3,699,629) (see PTO-892).

Adams (6,732,426), as presented above, does not show that the device is made of plastic. However, Hood, Jr. et al. (3,699,629) teaches a tool being made of a plastic (Col 2, lines 59-61). Accordingly, it would have been obvious to those skilled in the art to provide the Adams's tool (6,732,426) to be made of a plastic as taught by Hood, Jr. et al. (3,699,629) to provide a light and flexible device for gripping delicate cables or connectors.

Re claims 12 and 13, Adams (6,732,426) does not show that the fingers (120,12) are tapered. Since the Adams's tool is being made of plastic, the fingers (120,122) would be more flexible or resilient to grip a cable. Therefore, it would have been obvious to provide slightly tapered fingers on the Adams's device (6,732,426) to provide more flexible fingers to grip the cable and also to resiliently be drawn into the sleeve (102).

#### ***Response to Arguments***

8. Applicant's amendment filed April 13, 2006, and the arguments presented therewith have been fully considered.

The arguments on Potter's device (2,667,094) are not persuasive except claims 4 and 5.

Re claim 35, the grippers of Potter could be gradually moved together when drawn into the sleeve.

#### **Adams device**

Applicant argues that Adams device should be withdrawn because of Rule 131 Affidavit swearing back. Note that the examiner did not received the Affidavit which applicant sent and applicant is again encouraged to file another Affidavit.

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**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PAUL T. CHIN  
Examiner  
Art Unit 3652